

1 JUDGE ROBERT J. BRYAN  
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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 UNITED STATES OF AMERICA,                           } No. 21-CR-5336 RJB  
9    } Plaintiff,   }  
10   } v.    }  
11 REYES DE LA CRUZ, III,                           } ORDER GRANTING DEFENSE  
12   } MOTION TO CONTINUE TRIAL  
  } DATE AND PRETRIAL MOTIONS  
  } DUE DATE  
  }

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13 THE COURT has considered the defendant's motion to continue the trial date  
14 and pretrial motions deadline and the facts and circumstances described therein, which  
15 are hereby incorporated as findings of fact, and finds that:

16   (a) taking into account the exercise of due diligence, a failure to grant a  
17 continuance in this case would deny counsel for the defendant the reasonable time  
18 necessary for effective preparation due to counsel's need for more time to review the  
19 evidence, consider possible defenses, and gather evidence material to the defense, as set  
20 forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

21   (b) a failure to grant such a continuance in this proceeding would likely result in  
22 a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

23   (c) the additional time requested is a reasonable period of delay, as the defendant  
24 has requested more time to prepare for trial, to investigate the matter, to gather evidence  
25 material to the defense, and to consider possible defenses; and

1                   (d) the case is sufficiently complex that it is unreasonable to expect adequate  
2 preparation for pretrial proceedings or the trial itself within the current trial schedule, as  
3 set forth in 18 U.S.C. § 3161(h)(7)(B)(ii); and

4                   (e) the ends of justice will best be served by a continuance, and the ends of  
5 justice outweigh the best interests of the public and the defendant in any speedier trial,  
6 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

7                   (f) the additional time requested between the current trial date of December 13,  
8 2021, and the new trial date is necessary to provide counsel for the defendant the  
9 reasonable time necessary to prepare for trial, all of the facts set forth above; and

10                  (g) that the period of delay from the date of this motion to the new trial date is  
11 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

12                  IT IS THEREFORE ORDERED that the trial date in this matter shall be  
13 continued to March 28, 2022, at 9:30 a.m. and that pretrial motions shall be filed no  
14 later than February 16, 2022. A pretrial conference shall be held on March 18, 2022, at  
15 8:30 a.m.

16                  DONE this 17<sup>th</sup> day of November, 2021.

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19                  ROBERT J. BRYAN  
United States District Judge

21                  Presented by:

22                  s/ Christian Izaguirre  
23                  Assistant Federal Public Defender  
24                  Attorney for Reyes De La Cruz, III